

REMARKS

Claims 1-17 are pending prior to entering this amendment. The Examiner objected to the drawings under 37 CFR 1.121(d). The Examiner rejected claims 1-7, 11-13, and 17 under 35 U.S.C. 103(a) over Hung (US Patent No. 6,582,088) and Sheng (US Patent No. 6,144,475). Applicant amends claims 1, 4-11, and 14-17, cancels claims 2-3, and 12-13, and adds claims 18-27. Claims 1, 4-11, 14-27 remain after entering this amendment. Applicant adds no new matter and requests reconsideration.

Allowable Subject-Matter

The Examiner objected to claims 8-10 and 14-16 as depending from a rejected claim, but indicating they would be allowable if rewritten into independent form. Applicant thanks the Examiner for pointing out allowable subject-matter.

Although the Applicant's attorney agrees with the Examiner's conclusion that these claims are allowable, the Applicant's attorney notes that the claims may be allowable for reasons other than those identified by the Examiner and does not concede that the Examiner's characterizations of the terms of the claims and the prior art are correct.

Drawing Objections

The Examiner objected to the drawings under 37 CFR 1.121(d). Applicant submits replacement drawings, which obviates the Examiner's rejection.

Claim Rejections – 35 USC § 103(a)

The Examiner rejected claims 1-7, 11-13, and 17 under 35 U.S.C. 103(a) over Hung and Sheng. Applicant respectfully traverses the examiner's rejection.

Claim 1 recites *a reflection unit to reflect the incident light from a light source, wherein the reflection unit comprises an imaging mirror, an optical path turning mirror, and a parallel mirror set including a first reflection mirror and a second reflection mirror, the parallel mirror set positioned to reflect the incident light from the light source to the optical path turning mirror, the optical path turning mirror positioned to reflect the incident light back to the parallel mirror set, wherein the incident light from the optical turning mirror is received by the parallel mirror*

set with the first reflection mirror and is reflected between the first reflection mirror and the second reflection mirror.

The Examiner alleges Hung's mirrors M2 and M12 (in Figure 8A) disclose the recited first reflection mirror and the second reflection mirror, respectively, in the recited parallel mirror set. The Examiner further alleges Hung's mirror M3 (in Figure 8A) discloses the recited optical path turning mirror, and Hung's mirror M11 (in Figure 8A) discloses the recited imaging mirror.

Hung, however, does not teach or suggest that *incident light from the optical turning mirror ... is reflected between the first reflection mirror and the second reflection mirror* as the claim recites. See, Hung, Figure 8A and corresponding portions of the specification, where Hung discloses the mirror M2 receiving a light beam from mirror M3 and then directly reflecting the light beam to mirror M11. In other words, Hung does not teach or suggest a light beam received from mirror M3 being reflected between mirrors M2 and M12. Nothing in Sheng cures this deficiency. The combination of Hung and Sheng, therefore, does not render claim 1 and its corresponding dependent claims unpatentable. As such, the Applicant submits that claim 1 is in proper form for allowance and requests that the rejection under §103(a) be removed. Since claim 11 includes features generally similar to those presented in claim 1, claim 11 and its corresponding dependent claims are allowable for similar reasons.

Claim 5 recites *the optical device comprises an original document surface used to deposit a document desired to be scanned, and the original document surface is parallel to the parallel mirror set.*

Applicant agrees with the Examiner that Hung and Sheng do not disclose the recited features. The Examiner, however, alleges the recited claim features are obvious, stating “[a]pplicant has not disclosed that positioning the original document surface in parallel to the parallel mirror set provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the surface positioned as taught by Hung or the claimed position.” Office Action, 9/28/2007, page 3.

Applicant notes that under MPEP § 2143, a proper *prima facie* obviousness rejection must disclose one or more references that teach every claim element or would be obviously modified by one skilled in the art to teach every claim element. In the instant Office Action, the Examiner does not allege or argue that it would be obvious to modify Hung or Sheng to teach the

recited claim features as is required under MPEP § 2143, and therefore fails to present a proper *prima facie* obviousness rejection.

Furthermore, any modification of Hung and Sheng to align their respective documents with their respective mirrors (M11 in Figure 8A of Hung and M211 in Figure 2 of Sheng) in parallel will destroy the principle operation of their respective scanning systems. For instance, both Hung and Sheng teach a light beam that is substantially perpendicular to their respective documents, and thus any modification that aligns the document with the mirror in parallel will result in the light beam being reflected back to the document, not along an optical path to an image sensor. In other words, any modification of Hung or Sheng that places the document and the mirror in parallel will cause the light beam to not reach other mirrors, a lens, or a sensor in the scanning system, and thus destroy its principle operation. Applicant, therefore, requests the Examiner withdraw the rejection to claim 5 and its corresponding dependent claims. Since claim 5 includes features generally similar to at least some of the features of claim 17, claim 17 and is allowable for similar reasons.


New Claims

Applicant adds a new claim set, claims 18-22, and new dependent claims 23-27, of which, claims 23-25 depend from claim 1 and claims 26-27 depend from claim 11. Since claim 18 includes features generally similar to those presented in claim 1, claim 18 and its corresponding dependent claims are allowable for similar reasons. Claims 23-26 are also allowable based, at least in part, on their respective dependency to claims 1 and 11.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of all claims of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

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